

06-28-01

Docket # PF-0213-2 DIV

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06/26/01
JC853 U.S. PTO

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By: Nancy Ramos
Printed: Nancy Ramos

JC997 U.S. PTO
09/892316
06/26/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/213,391, filed on December 15, 1998, entitled HUMAN LEA-MOTIF DEVELOPMENTAL PROTEIN, which is a divisional of U.S. application Serial Number 08/796,676, filed February 6, 1997, issued January 12, 1999, as U.S. Patent No. 5,858,712, entitled CDNA ENCODING A LEA-MOTIF DEVELOPMENTAL PROTEIN HOMOLOGOUS TO AVIAN PX19.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 08/796,676, filed February 6, 1997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/796,676, filed February 6, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/796,676, as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 16-24, and 30-44 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not

disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Jennifer L. Hillman and Surya K. Goli.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on July 2, 1997 is enclosed.
6. Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/213,391, filed December 15, 1998, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate		Basic Fee
				Fee		\$710.00
Total Claims	20	-20	0	x \$18		\$0
Indep. Claims	2	-3	0	x \$80		\$0
<u> </u> Multiple Dependent Claim(s), if any				+ \$270		\$0

TOTAL FILING FEE \$ 710.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. X Submission for Formal Drawings (2 pp.), and Four (4) Sheets of New formal drawings are also enclosed; which includes Figures: 1A, 1B, 2, 3A, and 3B.
11. X The prior application is assigned of record to Incyte Genomics, Inc. (formerly Incyte Pharmaceuticals, Inc.), recorded on July 2, 1997, at reel 8651/frame 0750.
12. A preliminary amendment is enclosed.
13. X Also enclosed Information Disclosure Statement (2 pp., in duplicate); List of References Cited PTO-1449 (1 pg.); copy of previously submitted Revocation and Power of Attorney (2 pp.).

X The power of attorney of the prior application is to:

Lucy J. Billings
Michael C. Cerrone

Reg. No. 36,749
Reg. No. 39,132

X The associate power of attorney in the prior application is to:

Diana Hamlet-Cox
Richard C. Ekstrom
Barrie D. Greene
Matthew R. Kaser
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Reg. No. 44,817
Reg. No. 42,918
Reg. No. 47,016
Reg. No. 44,316
Reg. No. 43,168
Reg. No. 45,167
Reg. No. 47,139
Reg. No. 41,420

- a. ___ An associate power of attorney is attached.
- b. ___ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: June 26, 2001

By: Barrie D. Greene
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- ___ Inventor(s)
___ Assignee of complete interest
X Attorney or agent of record
___ Filed under 37 CFR 1.34(a)
___ Registration number if acting under 37 CFR 1.34(a) _____.

By:

Nancy Ramos